

**3SHB 1741** - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 03/04/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** Washington has developed an impressive oral  
4 history program of recording and documenting the recollections of  
5 public officials and citizens who have contributed to the rich  
6 political history surrounding the legislature. Schools, museums,  
7 historians, state agencies, and interested citizens have benefited from  
8 the availability of these educational materials. The purpose of this  
9 act is to enhance this resource by reinforcing the decision-making role  
10 of the legislature.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.52 RCW  
12 to read as follows:

13 This chapter does not prohibit the secretary of the senate, the  
14 chief clerk of the house of representatives, or their designee from  
15 soliciting and accepting contributions to the legislative oral history  
16 account created in section 8 of this act.

17 **Sec. 3.** RCW 43.07.220 and 1991 c 237 s 1 are each amended to read  
18 as follows:

19 (1) The secretary of ~~((state))~~ the senate and the chief clerk of  
20 the house of representatives, at the direction of the legislative oral  
21 history ~~((advisory))~~ committee, shall administer and conduct a program  
22 to record and document oral histories of current and former members and  
23 staff of the Washington state legislature, ~~((current and former state~~  
24 ~~government officials and personnel,))~~ and other citizens who have  
25 participated in the political history of the Washington state  
26 legislature. The secretary of ~~((state shall))~~ the senate and the chief  
27 clerk of the house of representatives may contract with independent  
28 oral historians ~~((and through))~~ or the history departments of the state

1 universities to interview and record oral histories. The ~~((tapes and~~  
2 ~~tape transcripts))~~ manuscripts and publications shall be ~~((indexed~~  
3 ~~and))~~ made available for research and reference through the state  
4 archives. The ~~((transcripts))~~ manuscripts, together with current and  
5 historical photographs, may be published for distribution to libraries  
6 and ~~((for sale to))~~ the general public, and posted on the legislative  
7 oral history web site.

8 (2) The oral history of a person who occupied positions, or was  
9 staff to a person who occupied positions, in more than one branch of  
10 government, shall be conducted by the entity authorized to conduct oral  
11 histories of persons in the position last held by the person who is the  
12 subject of the oral history. However, the person being interviewed may  
13 select the entity he or she wishes to prepare his or her oral history.

14 **Sec. 4.** RCW 43.07.230 and 1991 c 237 s 2 are each amended to read  
15 as follows:

16 ~~((An))~~ (1) A legislative oral history ~~((advisory))~~ committee is  
17 created, which shall consist of the following individuals:

18 ~~((1))~~ (a) Four members of the house of representatives, two from  
19 each of the two largest caucuses of the house, appointed by the speaker  
20 of the house of representatives;

21 ~~((2))~~ (b) Four members of the senate, two from each of the two  
22 largest caucuses of the senate, appointed by the president of the  
23 senate;

24 ~~((3))~~ (c) The chief clerk of the house of representatives; and

25 ~~((4))~~ (d) The secretary of the senate~~((; and~~  
26 ~~(5) The secretary of state))~~.

27 (2) Ex officio members may be appointed by a majority vote of the  
28 committee's members appointed under subsection (1) of this section.

29 (3) The chair of the committee shall be elected by a majority vote  
30 of the committee members appointed under subsection (1) of this  
31 section.

32 **Sec. 5.** RCW 43.07.240 and 1991 c 237 s 3 are each amended to read  
33 as follows:

34 The legislative oral history ~~((advisory))~~ committee shall have the  
35 following responsibilities:

1 (1) To select appropriate oral history interview candidates and  
2 subjects;

3 (2) To select transcripts or portions of transcripts, and related  
4 historical material, for publication;

5 (3) To advise the secretary of ((state)) the senate and the chief  
6 clerk of the house of representatives on the format and length of  
7 individual interview series and on appropriate issues and subjects for  
8 related series of interviews;

9 (4) To advise the secretary of ((state)) the senate and the chief  
10 clerk of the house of representatives on the appropriate subjects,  
11 format, and length of interviews and on the process for conducting oral  
12 history interviews (~~((with subjects currently serving in the Washington~~  
13 ~~state legislature))~~);

14 (5) To advise the secretary of ((state)) the senate and the chief  
15 clerk of the house of representatives on joint programs and activities  
16 with state universities, colleges, museums, and other groups conducting  
17 oral histories; and

18 (6) To advise the secretary of ((state)) the senate and the chief  
19 clerk of the house of representatives on other aspects of the  
20 administration of the oral history program and on the conduct of  
21 individual interview projects.

22 NEW SECTION. Sec. 6. A new section is added to chapter 44.04 RCW  
23 to read as follows:

24 The secretary of the senate and the chief clerk of the house of  
25 representatives may fund oral history activities through donations as  
26 provided in section 7 of this act and through funds in the legislative  
27 gift center account created in RCW 44.73.020. The activities may  
28 include, but not be limited to, conducting interviews, preparing and  
29 indexing transcripts, publishing manuscripts and photographs, and  
30 presenting displays and programs. Donations that do not meet the  
31 criteria of the legislative oral history program may not be accepted.  
32 The secretary of the senate and the chief clerk of the house of  
33 representatives shall adopt joint rules necessary to implement this  
34 section.

35 NEW SECTION. Sec. 7. A new section is added to chapter 44.04 RCW  
36 to read as follows:

1 (1) The secretary of the senate and the chief clerk of the house of  
2 representatives may solicit and accept gifts, grants, conveyances,  
3 bequests, and devises of real or personal property, or both, in trust  
4 or otherwise, and sell, lease, exchange, invest, or expend these  
5 donations or the proceeds, rents, profits, and income from the  
6 donations except as limited by the donor's terms.

7 (2) Moneys received under this section may be used only for  
8 conducting oral histories.

9 (3) Moneys received under this section must be deposited in the  
10 legislative oral history account established in section 8 of this act.

11 (4) The secretary of the senate and the chief clerk of the house of  
12 representatives shall adopt joint rules to govern and protect the  
13 receipt and expenditure of the proceeds.

14 NEW SECTION. **Sec. 8.** A new section is added to chapter 44.04 RCW  
15 to read as follows:

16 The legislative oral history account is created in the custody of  
17 the state treasurer. All moneys received under section 7 of this act  
18 and from the legislative gift center account created in RCW 44.73.020  
19 must be deposited in the account. Expenditures from the account may be  
20 made only for the purposes of the legislative oral history program  
21 under RCW 43.07.220 (as recodified by this act). Only the secretary of  
22 the senate or the chief clerk of the house of representatives or their  
23 designee may authorize expenditures from the account. An appropriation  
24 is not required for expenditures, but the account is subject to  
25 allotment procedures under chapter 43.88 RCW.

26 NEW SECTION. **Sec. 9.** (1) All powers, duties, and functions of the  
27 secretary of state pertaining to the legislative oral history program  
28 are transferred to the secretary of the senate and the chief clerk of  
29 the house of representatives. All references to the secretary of state  
30 or the office of the secretary of state in the Revised Code of  
31 Washington shall be construed to mean the secretary of the senate and  
32 the chief clerk of the house of representatives when referring to the  
33 functions transferred in this section.

34 (2)(a) All reports, documents, surveys, books, records, files,  
35 papers, or written material in the possession of the secretary of state  
36 pertaining to the powers, functions, and duties transferred shall be

1 delivered to the custody of the secretary of the senate and the chief  
2 clerk of the house of representatives. All funds, credits, or other  
3 assets held in connection with the powers, functions, and duties  
4 transferred shall be assigned to the secretary of the senate and the  
5 chief clerk of the house of representatives.

6 (b) Any appropriations made to the secretary of state for carrying  
7 out the powers, functions, and duties transferred shall, on the  
8 effective date of this section, be transferred and credited to the  
9 secretary of the senate and the chief clerk of the house of  
10 representatives.

11 (c) Whenever any question arises as to the transfer of any  
12 personnel, funds, books, documents, records, papers, files, equipment,  
13 or other tangible property used or held in the exercise of the powers  
14 and the performance of the duties and functions transferred, the  
15 director of financial management shall make a determination as to the  
16 proper allocation and certify the same to the state agencies concerned.

17 (3) All rules and all pending business before the secretary of  
18 state pertaining to the powers, functions, and duties transferred shall  
19 be continued and acted upon by the secretary of the senate and the  
20 chief clerk of the house of representatives. All existing contracts  
21 and obligations shall remain in full force and shall be performed by  
22 the secretary of the senate and the chief clerk of the house of  
23 representatives.

24 (4) The transfer of the powers, duties, functions, and personnel of  
25 the secretary of state shall not affect the validity of any act  
26 performed before the effective date of this section.

27 (5) If apportionments of budgeted funds are required because of the  
28 transfers directed by this section, the director of financial  
29 management shall certify the apportionments to the agencies affected,  
30 the state auditor, and the state treasurer. Each of these shall make  
31 the appropriate transfer and adjustments in funds and appropriation  
32 accounts and equipment records in accordance with the certification.

33 (6) Nothing contained in this section may be construed to alter any  
34 existing collective bargaining unit or the provisions of any existing  
35 collective bargaining agreement until the agreement has expired or  
36 until the bargaining unit has been modified by action of the public  
37 employment relations commission as provided by law.

1 (7) The secretary of the senate and the chief clerk of the house of  
2 representatives will determine location and staff reporting for the  
3 program.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.07 RCW  
5 to read as follows:

6 (1) The secretary of state shall administer and conduct a program  
7 to record and document oral histories of current and former members and  
8 staff of the Washington state executive and judicial branches, the  
9 state's congressional delegation, and other citizens who have  
10 participated in the political history of Washington state. The program  
11 shall be called the Washington state legacy project. The secretary of  
12 state may contract with independent oral historians or history  
13 departments of the state universities to interview and record oral  
14 histories. The manuscripts and publications shall be made available  
15 for research and reference through the state archives. The  
16 transcripts, together with current and historical photographs, may be  
17 published for distribution to libraries and the general public, and be  
18 posted on the secretary of state's web site.

19 (2) The Washington state legacy project may act as a principal  
20 repository for oral histories related to community, family, and other  
21 various projects.

22 (3) The oral history of a person who occupied positions, or was  
23 staff to a person who occupied positions, in more than one branch of  
24 government shall be conducted by the entity authorized to conduct oral  
25 histories of persons in the position last held by the person who is the  
26 subject of the oral history. However, the person being interviewed may  
27 select the entity he or she wishes to prepare his or her oral history.

28 (4) The secretary of state may create a Washington state legacy  
29 project advisory council to provide advice and guidance on matters  
30 pertaining to operating the legacy project. The secretary of state may  
31 not compensate members of the legacy project advisory council but may  
32 provide reimbursement to members for expenses that are incurred in the  
33 conduct of their official duties.

34 **Sec. 11.** RCW 43.07.365 and 2002 c 358 s 3 are each amended to read  
35 as follows:

36 The secretary of state may fund (~~(oral history)~~) Washington state

1 legacy project activities through donations as provided in RCW  
2 43.07.037. The activities may include, but not be limited to,  
3 conducting interviews, preparing and indexing transcripts, publishing  
4 transcripts and photographs, and presenting displays and programs.  
5 Donations that do not meet the criteria of the (~~oral history program~~)  
6 Washington state legacy project may not be accepted. The secretary of  
7 state shall adopt rules necessary to implement this section.

8 **Sec. 12.** RCW 43.07.370 and 2007 c 523 s 3 are each amended to read  
9 as follows:

10 (1) The secretary of state may solicit and accept gifts, grants,  
11 conveyances, bequests, and devises of real or personal property, or  
12 both, in trust or otherwise, and sell, lease, exchange, invest, or  
13 expend these donations or the proceeds, rents, profits, and income from  
14 the donations except as limited by the donor's terms.

15 (2) Moneys received under this section may be used only for the  
16 following purposes:

17 (a) Conducting (~~oral histories~~) the Washington state legacy  
18 project;

19 (b) Archival activities;

20 (c) Washington state library activities; and

21 (d) Development, construction, and operation of the Washington  
22 state heritage center.

23 (3)(a) Moneys received under subsection (2)(a) through (c) of this  
24 section must be deposited in the (~~oral history~~) Washington state  
25 legacy project, state library, and archives account established in RCW  
26 43.07.380.

27 (b) Moneys received under subsection (2)(d) of this section must be  
28 deposited in the Washington state heritage center account created in  
29 RCW 43.07.129.

30 (4) The secretary of state shall adopt rules to govern and protect  
31 the receipt and expenditure of the proceeds.

32 **Sec. 13.** RCW 43.07.380 and 2003 c 164 s 2 are each amended to read  
33 as follows:

34 The (~~oral history~~) Washington state legacy project, state  
35 library, and archives account is created in the custody of the state  
36 treasurer. All moneys received under RCW 43.07.370 must be deposited

1 in the account. Expenditures from the account may be made only for the  
2 purposes of the (~~oral history program under RCW 43.07.220~~) Washington  
3 state legacy project under section 10 of this act, archives program  
4 under RCW 40.14.020, and the state library program under chapter 27.04  
5 RCW. Only the secretary of state or the secretary of state's designee  
6 may authorize expenditures from the account. An appropriation is not  
7 required for expenditures, but the account is subject to allotment  
8 procedures under chapter 43.88 RCW.

9 **Sec. 14.** RCW 42.52.802 and 2003 c 164 s 4 are each amended to read  
10 as follows:

11 This chapter does not prohibit the secretary of state or a designee  
12 from soliciting and accepting contributions to the (~~oral history~~)  
13 Washington state legacy project, state library, and archives account  
14 created in RCW 43.07.380.

15 NEW SECTION. **Sec. 15.** The following are each recodified as  
16 sections in chapter 44.04 RCW:

17 RCW 43.07.220

18 RCW 43.07.230

19 RCW 43.07.240

20 NEW SECTION. **Sec. 16.** If specific funding for the purposes of  
21 this act, referencing this act by bill or chapter number, is not  
22 provided by June 30, 2008, in the omnibus appropriations act, this act  
23 is null and void."

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**ADOPTED 03/04/2008**

24 On page 1, line 1 of the title, after "program;" strike the  
25 remainder of the title and insert "amending RCW 43.07.220, 43.07.230,  
26 43.07.240, 43.07.365, 43.07.370, 43.07.380, and 42.52.802; adding a new  
27 section to chapter 42.52 RCW; adding new sections to chapter 44.04 RCW;

1 adding a new section to chapter 43.07 RCW; creating new sections; and  
2 recodifying RCW 43.07.220, 43.07.230, and 43.07.240."

EFFECT: Removes the requirements: That employee positions assigned to performing the powers, functions, and duties are transferred from the Secretary of State to the Secretary of the Senate and the Chief Clerk of the House of Representatives; and that the Secretary of State or his or her designee is a member of the Legislative Oral History Committee.

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